

effects of the article, were false and fraudulent: "The fumes from evaporation after use in the hutch will satisfactorily combat colds and snuffles."

The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1297, published under that act. On May 18, 1934, a plea of guilty to both charges was entered on behalf of the defendant company, and the court imposed a fine of \$10 on each of the two counts, together with costs of the action.

M. L. WILSON, *Acting Secretary of Agriculture.*

22610. Adulteration and misbranding of Fresca Antiseptic Powder. U. S. v. 58 Packages of Fresca Antiseptic Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32259. Sample no. 65087-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Bacteriological examination showed that the article was not an antiseptic when used as directed.

On March 10, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 packages of Fresca Antiseptic Powder at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 8, 1934, by the Fresca Co., from Lansing, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of boric acid, alum, and small amounts of phenol and oil of peppermint. Bacteriological examination showed that it was not antiseptic even when tested in solutions 10 times as strong as that recommended on the labeling.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic * * * For Feminine Hygiene."

Misbranding was alleged for the reason that the following statements appearing in the labeling, were false and misleading: (Box) "Antiseptic Powder * * * For Feminine Hygiene"; (circular) "Antiseptic * * * 'An Antiseptic Powder for women is a boon' * * * The greatest wealth cannot buy a better antiseptic, Fresca * * * An antiseptic * * * Fresca is far superior to all other antiseptics. As an antiseptic." Misbranding was alleged for the further reason that the box label and circular contained false and fraudulent statements regarding the use of the article in inflammations of the female generative tract, troubles peculiar to women, any trouble along the vaginal tract, vaginitis, leucorrhoea, social or venereal diseases, wounds, removing proud flesh, stopping discharge of pus, sleeplessness, catarrhal disease of the womb, piles, hemorrhoids, abscesses, wounds, athlete's foot, and ringworm.

On April 6, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22611. Misbranding of Womanette. U. S. v. 35 Bottles and 23 Bottles of Womanette. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32260. Sample nos. 61952-A, 61953-A.)

Examination of the drug preparation Womanette showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 12, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 bottles of Womanette at Dallas, Tex., alleging that the article had been shipped in interstate commerce by L. Wilzin, in part on or about January 2, 1934, from Leland, Miss., and in part on or about January 12, 1934, from Greenville, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Manufactured by the Capital Remedy Co., Incorporated, Jackson, Mississippi"; (wrapper) "Distributed by Bolton Medicine Co., Bolton, Miss."

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts from plant drugs, potassium bromide, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle label and wrapper, were false and fraudulent: (Wrapper) "Womanette * * * Recommended as a tonic and as a help in giving relief when caused by disorders peculiar to women and girls when not caused by natural deformities or that do not require surgical attention"; (bottle) "For pains, such as menstrual cramp, headaches, etc. * * * until pain is relieved."

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22612. Misbranding of Tona Spaf. U. S. v. 778 Bottles of Tona Spaf. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32258, 32297, 32405. Sample nos. 62051-A, 62094-A, 66179-A.)

Examination of the drug preparation involved in these cases showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 8, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 778 bottles of Tona Spaf at New York, N. Y., alleging that the article had been shipped in interstate commerce into the State of New York, in violation of the Food and Drugs Act, from Scranton, Pa., by the Penn Drug & Supply Co. On or about March 12 and March 22, 1934, the libels were filed in the District of Maryland against 481 bottles of Tona Spaf at Baltimore, Md., alleging that the article had been shipped in interstate commerce, in violation of the Food and Drugs Act as amended, in part on or about May 6, 1933, by the Sunshine Pharmaceutical Co., Inc., from New York, N. Y., and in part on or about November 4, 1933, by the National Manufacturing Co., from New York, N. Y. One lot of the article was labeled in part: "Tona Spaf. * * * Prepared by Munyon Remedy Co., Scranton, Pa."

Analysis of a sample of the article by this Department showed that it consisted essentially of an iron and phosphorous compound, traces of other inorganic compounds including an arsenic compound, alcohol, water, and flavoring material.

It was alleged in the libels that the article was misbranded because of false and fraudulent statements in the labeling regarding its effects in nervous exhaustion, fatigue, run-down and weakened condition, colds, grip, influenza, anemia, insomnia, diabetes, acidosis, senility, dyspepsia, exhaustion, indigestion, palpitation, debilitation, tired feeling, malnutrition, blood disorders, lost functional nerve activity, debilitated conditions following long and protracted illness, skin disorders, chlorosis, and other conditions involving degenerative blood processes, chills and fever, and general disorders.

On April 17 and April 28, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22613. Adulteration and misbranding of Warm Springs Crystal Compound. U. S. v. 736 Packages, et al., of Warm Springs Crystal Compound. Default decrees of condemnation and destruction. (F. & D. nos. 32045, 32061, 32240, 32249, 32273, 32301, 32304. Sample nos. 36052-A, 38475-A, 48179-A, 48180-A, 50596-A, 50606-A, 60853-A, 60856-A, 69057-A.)

These cases involved interstate shipments of a product labeled to convey the impression that it consisted of the minerals obtained by evaporation of the water of Warm Springs, Ga. Analysis showed that the article had not been produced from the water of Warm Springs. The labeling of the article bore unwarranted curative and therapeutic claims.

On March 2, 3, 7, 12, 15, and 17, 1934, the United States attorneys for the Western District of Oklahoma, the Western District of Kentucky, Southern District of California, Southern District of Ohio, the Western District of Texas, and the Northern District of California, acting upon reports by the Secretary